

S.D.N.Y.—N.Y.C.
14-cv-2904
Furman, J.
14-cv-9926
Cote, J.
15-cv-2585
Sullivan, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of December, two thousand fifteen.

Present:

Richard C. Wesley,
Christopher F. Droney,
*Circuit Judges.*¹

Jonathan Ross, et al.,

Plaintiffs-Appellants,

v.

15-2665

AXA Equitable Insurance Company,

Defendant-Appellee.

Maria Del Carmen Robainas, et al.,

Plaintiffs-Appellants,

v.

15-3504

Metropolitan Life Insurance Company,

Defendant-Appellee.

¹ The Honorable Reena Raggi, originally assigned to this panel, recused herself from this case. The remaining two judges issue this order in accordance with Second Circuit Internal Operating Procedure E(b).

Calvin W. Yarbrough, on behalf of himself and all others
similarly situated,

Plaintiff-Appellant,

v.

15-3553

AXA Equitable Life Insurance Company,

Defendant-Appellee.

The Appellants in the above-captioned appeals have filed unopposed motions to consolidate the appeals and to set a consolidated briefing schedule. Upon due consideration, it is hereby ORDERED that the motions to consolidate the appeals are DENIED, but the above-captioned appeals will be heard in tandem. Appellants' opening briefs are due thirty days after the Supreme Court issues a decision in *Spokeo, Inc. v. Robins*, 742 F.3d 409 (9th Cir. 2014), *cert. granted*, 135 S. Ct. 1892 (U.S. April 27, 2015) (No. 13-1339). The parties must comply with all briefing requirements in the appeal docketed under 15-2665; if the Appellants or Appellees prepare a single brief addressing all three appeals, a single copy of the brief and the relevant appendix may be filed in the other two appeals. The Clerk's Office shall set these cases for argument before a single panel following the completion of briefing.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

The signature of Catherine O'Hagan Wolfe is written in cursive. Overlaid on the signature is the official seal of the United States Court of Appeals for the Second Circuit. The seal is circular with a red outer ring containing the text "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the ring, the words "SECOND CIRCUIT" are written in blue.